



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Adam J. Katz, et al.
Serial No.: 09/936,665
Filed: September 10, 2001
Docket: 30448.77USW1
Title: ADIPOSE-DERIVED STEM CELLS AND LATTICES

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 14, 2003.

By: 

Name: Tracy Thuck

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet, in duplicate, containing Certificate under 37 CFR 1.8.
- ☒ Information Disclosure Statement (37 C.F.R. §1.97(b)(3))
- ☒ Form 1449 (Information Disclosure Statement) (1 sheet)
- ☒ Exhibits 61-73
- ☒ Return postcard

Please charge any additional fees or credit overpayment to Deposit Account No. 50-0306. A duplicate of this sheet is enclosed.

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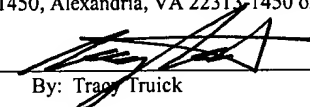


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Marc H. Hedrick, et al. **Examiner:** William O. Sandals, Ph.D.
Serial No.: 09/936,665 **Group Art Unit:** 1636
Filed: September 10, 2001 **Docket No.:** 30448.77USW1
Title: ADIPOSE-DERIVED STEM CELLS AND LATTICES

CERTIFICATE UNDER 37 CFR 1.8:

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By: Tracy Truick

INFORMATION DISCLOSURE STATEMENT
(37 C.F.R. §1.97(b)(3))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This statement should be considered because it is submitted before the mailing date of a first office action the merits according to 37 C.F.R. §1.97(b)(3). In accordance with 37 C.F.R. §1.98(d), copies of Exhibits 61-73 as set forth in the Form 1449 are included herein.

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. They are as follows:

- International Publication No. WO 99/28444 published June 10, 1999. **(Exhibit 61)**
- International Publication No. WO 99/02654 published January 21, 1999. **(Exhibit 62)**
- Bennett, JH, et al., 1991 *J. Cell Sci.* "Adipocytic cells cultured from marrow have osteogenic potential," 99(Pt1):131-139 **(Exhibit 63)**
- Bond et al., 1999, "Human Subcutaneouspreadipocytes Differentiate Into osteoblasts," *FASEB Journal* 13:600A **(Exhibit 64)**

- Smith et al., 2000, "Mesenchymal Stem Cells Derived From Bone Marrow And Human Adipose Tissue Exhibit Multilineage Potential," *Journal of Investigative Medicine*, 95A. **(Exhibit 65)**
- Stashower et al., 1999, "Stromal progenitor cells present within liposuction and reduction abdominoplasty fat for autologous transfer to aged skin," *Dermatologic Surgery*, 25:12:945-949. **(Exhibit 66)**
- Strutt et al., 1996, "Growth and differentiation of human adipose stromal cells in culture," *methods in Molecular Medicine: Human Cell Culture Protocols*, 41-51. **(Exhibit 67)**
- Tavassoli et al., 1981, "The Nature of Fibroblasts Derived From Adipose Tissue In-Vitro," *Clinical Research*, 29:5:871A. **(Exhibit 68)**
- Van et al., 1978, "Complete Differentiation of Adipocyte Precursors," *Cell Tissue*, 195:317-329. **(Exhibit 69)**
- International Publication No. WO 00/53795 published September 14, 200. **(Exhibit 70)**
- International Publication No. WO 01/62901 A2 published August 30, 2001. **(Exhibit 71)**
- International Publication No. WO 01/21767 published March 29, 2001. **(Exhibit 72)**
- Zuk, et al., 2001 "Multilineage cells from human adipose tissue: implications for cell-based therapies," *Tissue Engineering*, 7:211-228. **(Exhibit 73)**

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that the references have been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked

as being considered and initialed by the Examiner, to the undersigned with the next official communication.

No fee is deemed necessary in connection with the filing of this Information Disclosure Statement on the merits of C.F.R. §1.97(b)(3). However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 50-0306.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sarah B. Adriano", written over a horizontal line.

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FORM 1449*

**INFORMATION DISCLOSURE STATEMENT
IN AN APPLICATION**

(Use several sheets if necessary)

Docket Number

30448.77USW1

Application Number

09/936,665

Applicant

Marc H. Hedrick et al.

Filing Date

September 10, 2001

Group Art Unit

1642

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO 99/28444 (Exhibit 61)	June 10, 1999	PCT				
	WO 99/02654 (Exhibit 62)	January 21, 1999	PCT				
	WO 00/53795 (Exhibit 70)	September 14, 2000	PCT				
	WO 01/62901 A2 (Exhibit 71)	August 30, 2001	PCT				
	WO 01/21767 A2 (Exhibit 72)	March 29, 2001	PCT				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Bennett, JH, et al., 1991 <i>J. Cell Sci.</i> "Adipocytic cells cultured from marrow have osteogenic potential," 99(Pt1):131-139 (Exhibit 63)
	Bond et al., 1999, "Human Subcutaneouspreadipocytes Differentiate Into osteoblasts," <i>FASEB Journal</i> 13:600A (Exhibit 64)
	Smith et al., 2000, "Mesenchymal Stem Cells Derived From Bone Marrow And Human Adipose Tissue Exhibit Multilineage Potential," <i>Journal of Investigative Medicine</i> , 95A. (Exhibit 65)
	Stashower et al., 1999, "Stromal progenitor cells present within liposuction and reduction abdominoplasty fat for autologous transfer to aged skin," <i>Dermatologic Surgery</i> , 25:12:945-949. (Exhibit 66)
	Strutt et al., 1996, "Growth and differentiation of human adipose stromal cells in culture," <i>methods in Molecular Medicine: Human Cell Culture Protocols</i> , 41-51. (Exhibit 67)
	Tavassoli et al., 1981, "The Nature of Fibroblasts Derived From Adipose Tissue In-Vitro," <i>Clinical Research</i> , 29:5:871A. (Exhibit 68)
	Van et al., 1978, "Complete Differentiation of Adipocyte Precursors," <i>Cell Tissue</i> , 195:317-329. (Exhibit 69)
	Zuk, et al., 2001 "Multilineage cells from human adipose tissue: implications for cell-based therapies," <i>Tissue Engineering</i> , 7:211-228. (Exhibit 73)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.

*Substitute Disclosure Statement Form (PTO-1449) Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

